

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-3, 6, 7, 9 and 10 are currently pending.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-3, 6, 7, 9 and were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,697,948 to Rabin *et al.* (hereinafter, “Rabin”) in view of U.S. Patent No. 6,801,999 to Venkatesan *et al.* (hereinafter, “Venkatesan”) and U.S. Patent No. 65,790,935 to Payton.

Applicant respectfully traverses this rejection.

In general, it would be helpful to move prosecution forward if the claimed elements were recited and addressed in the Office Action on a one-to-one basis.

Moreover, each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested. In but one example, the features of claim 4 are not even remotely addressed in the Office Action.

Applicant respectfully requests any next Office Action be non-final so that Applicant can have the opportunity to address any substantive rejections.

First Argument:

THE OFFICE ACTION FAILS TO ADDRESS EACH AND  
EVERY ELEMENT RECITED IN THE CLAIM

First, the following claim 1 element is not listed in the Office Action or addressed therein:

“wherein said content usage rights information contains a user’s rights to use the contents stored on the memory storage device for a predetermined number of times, a predetermined end date/time showing the usable end time until which said contents can be used, a time period showing both a start date/time and an end date time over which the contents can be used, and a usage time showing an amount of time for which the content can be used;” (emphasis added).

Note this listing is a conjunction. That is, all the specifically listed usage rights need to be included in the contents usage rights information, not just a particular one. Publ. App. pars. [0066]-[0070] and FIG. 6.

Second, in some of the elements actually addressed, the Office Action fails to recite the claim element that is being addressed or merely recites language from the cited reference without stating which element is being addressed, or worse, misstates the element.

For example, on page 3 par. 10, the phrase, “**generating a warning code**” is highlighted as if this were a claimed element. Indeed, there is no such claimed element. Moreover, the Office Action in par. 11 asserts, “Therefore, the prior arts . . . at least suggests ‘**accessing and displaying the warning email using a PC.**’” (emphasis in OA). Again, there is no such claim element. The actual claim element is not described in the cited references as discussed below.

Second Argument:

The cited references taken alone or in combination do not teach or suggest each and every limitation in the claim as follows:

Independent claim 1 is representative and recites, *inter alia*:

“comparing said status code information with output setting information, the output setting information having a threshold value within the range of said contents usage rights information;

...  
sending said warning report data by a selected method, the selected method being either sending to a report address using an electronic mail or displaying said warning report on a screen connected to the memory storage device when said status code information nears the threshold value of said output setting information, wherein a selection of using an electronic mail or displaying the warning report on the screen is determined based on a predetermined report method in the output setting information. ” (emphasis added).

The cited references do not disclose output setting information that includes both the threshold values AND report method information, and report address information.

**The focus is in on characteristic elements of the “output setting information.”**

Thus, according to claim 1, when the status code information nears the threshold value of the output setting information, the warning report is distributed by either of two methods: (1) sending the report in an electronic mail, or (2) displaying the report on a display screen. The selection of how the warning report is distributed (electronic mail or display) is determined by a predetermined report method, which is part of the output setting information that also stores, for example, threshold values of the contents usage rights information.

Thus, in an aspect of the present invention, FIG. 5 is a drawing showing a typical data configuration for output setting information. The output setting information OI contains

information such as limit threshold values. The output setting information is the reference used when outputting warning data. The output setting information includes report method information, and report address information. Publ. App. pars. [0058]-[0059].

Moreover, when a warning report is sent, the report method is determined by the output setting information. The warning report data is distributed after referencing the report method information in the output setting information to determine the reporting method to the user. Thus, when a method is specified for outputting the warning report contents on the screen is specified as the report method, the warning report contents are output to the screen display. Alternatively, when outputting the warning report contents as electronic mail is specified as the report method, the warning report contents are sent as electronic mail to, for example, mail address information of the output setting information. Publ. App. par. [0085]-[0088].

**The recited element is a positive limitation that requires output setting information to include threshold values for contents usage rights. A warning report is sent when the threshold value is neared. The output setting information also determines the method of sending the warning report.**

None of the references cited includes an output setting information that includes the elements of threshold values for contents usage rights AND, when the threshold is neared, the output setting information is consulted to determine the method of sending the warning report.

The above recited feature of claim 1 is not disclosed in any of the cited references.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 7, 9 and 10 are also believed to be patentable.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

Claims 1-3, 6, 7, 9 and 10 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

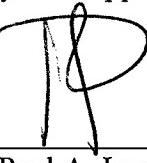
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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